

5 Hm

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of

KUBO et al.

Serial No. 09/927,547 ✓

Filed: August 13, 2001

For: LIQUID CRYSTAL DISPLAY DEVICE

Atty. Ref.: 829-583

Group: 2871

Examiner: Chowdhury, T.

RECEIVED
JAN 15 2003
TECHNOLOGY CENTER 2B00

RECEIVED

MAY 01 2003

* * * * *
MATCH & RETURN

January 14, 2003

OFFICE OF THE SPECIAL
PROGRAMS EXAMINER

Assistant Commissioner for Patents
Washington, DC 20231

~~OK to Enter~~

Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE OFFICE ACTION PURSUANT TO M.P.E.P. § 711.03**

The USPTO's PAIR system indicates that a Notice of Allowance was mailed on August 26, 2002 in connection with the above-listed patent application. Applicant has not yet received the Notice of Allowance. Since Applicant never received the Notice of Allowance from the USPTO, the issue fee was never paid. Accordingly, this petition to withdraw an assumed holding of abandonment is being filed pursuant to M.P.E.P. § 711.03(c)(II) (page 700-140, left-hand column (Aug. 2001 Edition)).

The Notice of Allowance allegedly mailed August 26, 2002 has not been received by Applicant; and a search of the file jacket and docket records for this file confirm that this Notice of Allowance was never received by Applicant. A copy of the relevant docket record for this application is attached hereto, clearly showing that no docket entry was

ever made for the Notice of Allowance. If the Notice of Allowance would have been received, it would have been listed on the attached docket record. It is noted that applicant has not received a Notice of Abandonment either.

Since Applicant never received the Notice of Allowance, it is respectfully requested that the assumed holding of abandonment be withdrawn pursuant to M.P.E.P. § 711.03(c)(II) (page 700-140, left-hand column (Aug. 2001 Edition)). It is also requested that the Notice of Allowance be re-mailed (since Applicant still has not seen it) and a new date set for paying the issue fee.

Furthermore, the fact that Applicant never received the Notice of Allowance caused Applicant to file the IDS dated October 1, 2002 under 37 C.F.R. Section 1.97(c). In a communication dated December 26, 2002, the Examiner refused to consider this IDS since it was filed under Section 1.97(c) after a Notice of Allowance was mailed. However, if Applicant had known that a Notice of Allowance had been mailed, the IDS would have been filed under 37 C.F.R. Section 1.97(d) (instead of 1.97(c)), and the IDS would have been considered. Thus, the fact that the Notice of Allowance was never received also caused the IDS dated October 1, 2002 to be not considered.

Since Applicant should not be unjustly penalized for a likely mailing problem at the USPTO (or a USPTO contractor), it is respectfully requested that the IDS dated October 1, 2002 be treated as if it was filed on October 1, 2002 under Section 1.97(d), and that it be considered by the Examiner. If any fee is necessary in this regard, the USPTO is authorized to charge applicant's below-listed deposit account.

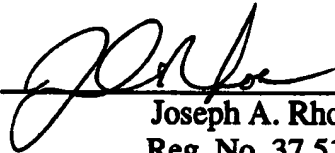
KUBO et al.
Serial No. 09/927,547

It is believed that no fee is necessary, since the assumed holding of abandonment occurred due to no fault of the Applicant. However, if any fee is deemed necessary by the USPTO in connection with this petition, authorization is hereby given to charge any such fee(s) associated herewith to Deposit Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Joseph A. Rhoa
Reg. No. 37,515

JAR:caj
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100